(F)
Cromwell

R. Seligman

May 10, 1976

A. Palmer

PROFESSOR CROMWELL (CONSULTING AGREEMENT AND SUPPLEMENTAL PATENT AGREEMENT; X-REF PM 664, 665, and 666) This supplements my memo of May 4 to Dr. Osdene.

Having reviewed our files in greater detail and talked with others here, I would like to offer the following recommendations for your consideration:

(1) That we propose to Professor Cromwell an amendment of the agreement of March 20, 1970 whereby any payments to him would be determined independently of whether or not he is an inventor of the subject matter on which Philip Morris has filed three patent applications.

(2) That we proceed to a final decision on the question of inventorship in the following manner:

(a) Have Watson, Leavenworth reconsider the matter, to see if there is any additional evidence in our files that might not have been taken into account previously. If that results in a decision to prepare and submit to the Patent Office an amendment attempting to add Professor Cromwell as a co-inventor, we can proceed accordingly. If the Patent Office accepts such an amendment, the matter should be finished. It would be a wise precaution, however, to get Professor Cromwell to agree in advance (in consideration of amending the contract as discussed in (1) above) to accept whatever decision the Patent Office reaches. This also raises the question how far we would be willing to go in appealing any adverse decision, and whether we would be willing to pay for independent representation on behalf of Professor Cromwell's interest in the matter.

(b) If Watson, Leavenworth finds no reasonable basis for adding Professor Cromwell as a co-inventor, and not even enough doubt to warrant presenting the issue for determination by the Patent Office, we would then have to decide either

1. to accept their conclusion (assuming it is consistant with our own views); or

2. to proceed independently in an effort to have the matter decided in the Patent Office; or

3. to have the whole subject reviewed by another outside advisor, in an effort to confirm the dicision or devise an alternative course of action. This would be a last resort, I suggest, and less desirable even than (see 2.) taking action ourselves.

ceh

cc: W. Gannon
J. Osdene
R. Thomson

MAY 1 0 1976
T. S. OSDENE

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R. Seitzman May 10, 1976

A. Palmer

PROFESSOR CROMWELL (CONSULTING AGREEMENT AND SUPPLEMENTAL PATENT AGREEMENT;
X-REF PM 564, CCS, and 660) This supplements my memo of May 4 to Dr. Osdene.

Having reviewed our files in greater detail and talked with others here, I would like to offer the following recommendations for your consideration:

(1) That we propose to Professor Cromwell an amendment of the agreement of March 20, 1970 whereby any payments to him would be determined independently of whether or not he is an inventor of the subject matter on which Fritz Hawrylo has filed three patent applications.

(2) That we propose to a final decision on the question of inventorship in the following manner:

(a) Have Watson, Leavenworth reconsider the matter, to see if there is any additional evidence in our files that might not have been taken into account previously. If this results in a decision to prepare and submit to the Patent Office an amendment attempting to add Professor Cromwell as a co-inventor, we can proceed accordingly. If the Patent Office accepts such an amendment, the matter should be finished. It would be a wise precaution, however, to get Professor Cromwell to agree in advance (by saying) to accept whatever decision the Department Office reaches. This also raises the question how far we would be willing to go in associating any adverse decision, and whether we would be willing to pay for independent representation on behalf of Professor Cromwell's interest in the matter.

(b) If Watson, Leavenworth finds no reasonable basis for adding Professor Cromwell as a co-inventor, and not even enough doubt to warrant presenting the issue for determination by the Patent Office, we would then have to decide either:

1. to accept their conclusion (assuming it is consistent with our own views); or

2. to proceed thereafter in an effort to have the matter decided in the Patent Office; or

3. to have the whole subject reviewed by another outside lawyer, in an effort to convince him or decide on alternative course of action. This would be a last resort, I suggest, and less desirable even than (see 2.) taking action ourselves.

cc:

cc: W. Gannon
T. Osdene
R. Thomson

MAY 10 1976

T. S. OSDENE

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